

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

VS.

E.I. DUPONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09-cv-00686-ERW

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
FIFTH MOTION TO COMPEL BRIEF IN EXCESS OF FIFTEEN PAGES**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully request leave of Court allowing Monsanto to file a memorandum in support of their Fifth Motion to Compel, containing approximately 23 pages. The additional pages for Monsanto’s brief are necessary to adequately address the numerous instances in which Defendants have waived the attorney-client privilege through their deposition testimony and also through Defendants’ allegations of fraud and mistake in their affirmative defenses and counterclaims seeking reformation of the License Agreements.

Dated: March 4, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of March, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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